

Dear Honorable Clerk,

Please be advised that I am the petitioner in Case No: Crim 04-4 Erie.

I am respectfully requesting that this document be accepted as a "Motion to Supplement 28 U.S.C. §§ 2255 with Supplemental Citation." I am requesting that this Court supplement the following case and supporting facts. United States v. Cronic, 466 US 648, 80 L.Ed. 2d 657 (1984), and Roe v. Flores-Ortega, 528 US 470, 145 L.Ed.2d 985 (2000).

ISSUE I.

THE PETITIONER'S DEFENSE COUNSEL WAS INEFFECTIVE FOR FAILING
TO ATTACK AND CHALLENGE THE SUPPRESSION HEARING
PURSUANT TO CRONIC AND THE SURROUNDING CIRCUMSTANCES JUSTIFIED
A PRESUMPTION OF INEFFECTIVE ASSISTANCE OF COUNSEL

The petitioner contends that counsel was ineffective at the suppression hearing, because the defense counsel failed to function in any meaningful sense as the government's adversary or that there was a breakdown of the adversarial process during the suppression hearing because he failed to argue as to the specific probable cause for arrest and the fact of the ownership of the residence which did not belong to the petitioner. The petitioner's probable cause for arrest was for a 'dirty urine' only, and was a body warrant, not a search warrant.

ISSUE II.

THE DEFENSE COUNSEL WAS INEFFECTIVE FOR FAILING TO FILE A
DIRECT-APPEAL OF THE PETITIONER'S SUPPRESSION HEARING AS REQUESTED ;
THEREBY, INVOLUNTARILY WAIVING HIS FOURTH AMENDMENT CLAIM

PURSUANT TO ROE v. FLORES-ORTEGA,

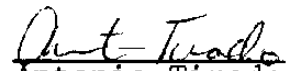
The petitioner specifically requested that the attorney appeal

his suppression hearing due to the fact that the petitioner did not agree with the fact that the defense counsel failed to challenge the probable cause as to the ownership of the residence and the probable cause for arrest.

WHEREFORE, for all of the above reasons and in the interest of justice and fairness, the petitioner respectfully request that the Honorable Court grant this Motion to Supplement his § 2255.

Respectfully,

Date: 23 Feb. 2008


Antonio Tirado pro Se'
Reg.# 20189-068

FILED

FEB 28 2008

CLERK OF THE COURT
U.S. DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

TO: CLERK OF COURTS
U.S. FEDERAL COURTHOUSE
617 STATE ST.
ELLE PA. 16561

FROM ANTONIO TIRADO, 20189 008
P.O. BOX 2000
WHITEDEER, PA. 17887

DEAR HONORABLE CLERK,

DUE TO THE LACK OF
TIME MAY YOU PLEASE FORWARD A COPY OF THE SUPPLEMENT
CA NUMBER 04-4 SENT TO THIS HONORABLE CLERK TO THE U.S.
ASSISTANT ATTORNEY MARSHALL J. PICCININI.

FEB. 23, 2008

THANK YOU VERY MUCH,
Antonio Tirado
20189-008
P.O. BOX 2000
WHITEDEER, PA. 17887

c/c